

01-10-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. AUS919970761US2
 Prior Application No.: 09/114,051
 First Named Inventor: James W. Arendt, et al.

Examiner: John Follansbee
 Art Unit: 2154

ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

Sir: This is a request for filing a _____ continuation
 _____ continuation-in-part
X divisional

application under **37 CFR 1.53(b)**, of pending prior application serial no. 09/114,051 filed on July 10, 1998, for Highly Scalable and Highly Available Cluster System Management Scheme.

1. X Enclosed is a complete copy of the prior application **including the oath or declaration as originally filed** and an affidavit or declaration verifying it as a true copy. (See Section 14 for declaration.)
2. X New formal drawings are enclosed.
3. X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
4. X Information Disclosure Statement with cited references AA-BB.
5. X Also enclosed: Return Postcard
6. X Cancel in this application original claims 1-13, 21-22 and 26 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. X Amend the specification by inserting the following sentence before the first line: "This is a Continuation, Continuation-in-Part or X Division of application serial no. 09/114,051, filed July 10, 1998, currently pending."
8. _____ Priority of application serial No. _____, filed on _____, in _____ is claimed under 35 U.S.C. 119. The certified copy has been filed in prior application serial no. _____, filed _____.
9. X The filing fee is calculated below:

Express Mail No. ET657447168US

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to the Assistant Commissioner of Patents and Trademarks, Box Patent Applications, Washington, D.C. 20231.

Date of Deposit: 1/7/02

By: Dena Paris
Dena Paris

A
 JCE28 U.S. PRO
 10/042412
 01/07/02

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS ANY CLAIMS CANCELLED BY AMENDMENT NOW

Basic Fee		\$740.00
Extra Total Claims (0 x \$18.00)	=	0.00
Extra Independent Claims (0 x \$80.00)	=	0.00
Total Filing Fee:	=	\$740.00

10. ☒ The Commissioner is hereby authorized to charge \$740.00 and any additional fee which may be required, or credit any overpayment to IBM Corporation Deposit Account 09-0447. A duplicate of this sheet is enclosed.
11. _____ A check in the amount of \$_____ is enclosed.
12. ☒ The prior application is assigned of record to International Business Machines Corp., New Orchard Road, Armonk, NY 10504.
13. ☒ The power of attorney in the prior application is to Andrew J. Dillon
- a. ☒ The power of attorney appears in the original papers in the prior application.
- b. _____ A new power of attorney is enclosed (*adding prosecution attorneys*).
- c. _____ Since the power of attorney does not appear in the original papers, a copy of the power in the prior application is enclosed.
- d. ☒ Address all future communication to: Andrew J. Dillon, Esq., Bracewell & Patterson, L.L.P., Suite 350 Lakewood On The Park, 7600B N. Capital of TX. Hwy., Austin, Texas 78731.
14. ☒ I hereby verify that the attached papers are a true copy of prior application serial no. 09/114,051 as originally filed on July 10, 1998.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

1/7/02

Date

Address of signatory:
BRACEWELL & PATTERSON, L.L.P.
Suite 350 Lakewood on the Park
7600B N. Capital of TX. Hwy
Austin, Texas 78731
(512) 343-6116

Richard N. McCain

Richard N. McCain
Reg. No. 43,785

Inventor(s)

Assignee of complete interest
☒ Attorney or agent of record

Filed under §1.34(a)